

REMARKS/ARGUMENTS

These remarks/arguments are in response to the final office action mailed May 18, 2006, in which claims 1, 2, 4, 25-29, 32, 36, 42, 45, 47, and 48 are pending. Each the pending claims stands rejected. The amendments to the claims submitted on January 27, 2006 have been entered; however, the arguments submitted have been considered, but are deemed non-persuasive.

Claims 1, 32 and 45 have been amended. In each of claims 1, 32, and 45 the claims now recite that both of the first and second cartridges are positioned within the cartridge receiving area such that both are pivotable relative to the cartridge receiving area and capable of shaving in substantially parallel planes, the first cartridge being operable to shave in a first direction, and the second cartridge being operable to shave in a second, generally opposite, direction. Support for these amendments can be found in the specification. For example, the portion of the specification on page 19, lines 7-18 of the originally filed application discloses that the first and second razor cartridge are pivotable within the cartridge receiving area. In addition, figure 10B indicates that the first and second cartridge are capable of shaving in substantially parallel planes. Finally, the specification on page 18, lines 10-16 indicates that the cartridges are intended to shave in generally opposite directions (e.g., "...the cutting blades of the razor cartridges 110A, 11B preferably confront one another). Therefore, no new matter was added in making the above amendments.

3. Claims 1, 2, 25-28, 32, and 42 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,131,498 to Chandler (hereinafter the "Chandler patent")

In regard to the above rejection, the Examiner has noted that "Chandler discloses a shaving assembly with every structural limitation of the claimed invention including a plurality of openings (e.g., 21) that are adjacent and surround the razor cartridge receiving areas as claimed."

Claims 1 and 32, in their current form, are reproduced below:

1. A lubricating shaving assembly, comprising:
a grippable body having an upper end, a lower end, and one or more side walls extending between the upper and lower ends, said body including a storage reservoir for holding a shaving preparation, said storage reservoir being substantially enclosed by the upper and lower ends and the one or more side walls of said body;

the upper end of said body having a razor cartridge receiving area for having a first razor cartridge and a second razor cartridge, each of the first and second razor cartridges including at least one razor blade, attached to the receiving area such that the at least one razor blade of the two razor cartridges confront one another, the upper end of said body further including a plurality of openings adjacent to and at least partially surrounding the razor cartridge receiving area, said openings being positioned such that when the first and second razor cartridges are located in said razor cartridge receiving area, said plurality of openings at least partially surround said razor blades defined by said razor cartridges, and wherein said openings are in communication with said storage reservoir; and

a pedestal disposed within said storage reservoir of said body, wherein said pedestal is selectively removable between the lower and upper ends of said body for dispensing fluid shaving preparation through said plurality of openings at the upper end of said body;

wherein both of the first and second cartridges are positioned within the cartridge receiving area such that both are pivotable relative to the cartridge receiving area and capable of shaving in substantially parallel planes, the first cartridge being operable to shave in a first direction, and the second cartridge being operable to shave in a second, generally opposite, direction.

32. A shaving assembly, comprising:

a handle having an upper end, a lower end and a substantially enclosed storage reservoir between the upper and lower ends, said storage reservoir for holding a fluid shaving preparation;

the upper end of said handle having a razor cartridge receiving area for having a first razor cartridge and a second razor cartridge, each of said first and second razor cartridges including at least one razor blade, attached thereto such that the at least one razor blade of the first razor cartridge confronts the at least one blade of the second razor cartridge, the upper end of said handle further including a plurality of openings adjacent to and at least partially surrounding the razor cartridge receiving area, said openings being positioned such that when the first and second razor cartridges are located in said razor cartridge receiving area, said plurality of openings at least partially surround said razor blades defined by said razor cartridges, and wherein said openings are in communication with said storage reservoir; and

a pedestal disposed within said storage reservoir and movable toward the upper end of said handle for urging the fluid shaving preparation through said plurality of openings;

wherein both of the first and second cartridges are positioned within the cartridge receiving area such that both are pivotable relative to the cartridge receiving area and capable of shaving in substantially parallel planes, the first cartridge being operable to shave in a first direction, and the second cartridge being operable to shave in a second, generally opposite, direction.

Notably, each of the claims has been amended to include the additional limitations requiring that the first and second razor cartridges are positioned within the cartridge receiving area such that both are pivotable relative to the cartridge receiving area and capable of shaving in substantially parallel planes, the first cartridge being operable to shave in a first direction, and the second cartridge being operable to shave in a second, generally opposite, direction.

Applicant submits that the amendments to claims 1, 32 and 45 differentiate the present invention from the Chandler reference. (See e.g., the Chandler patent, FIGS. 1 and 2.). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The Chandler reference clearly discloses a double edged blade having opposing razor blades that are clamped into the razor head beneath the cap plate (24). The blades remain stationary during shaving. Accordingly, the razor of Chandler does not disclose each and every aspect of the invention, as claimed, in claims 1 and 32 and, therefore, does not properly anticipate the present invention. Reconsideration of the present rejection is respectfully requested.

Claims 2 and 25-28 depend from claim 1, and claim 42 depends from claim 32. Applicant submits that the above-listed claims are patentably distinct over the cited reference for at least the same reasons as those stated above with respect to claims 1 and 32, as well as by virtue of the additional claim recitations included therein. Reconsideration of these claims, in addition to claims 1 and 32, is respectfully requested.

Furthermore, the applicant submits that the Chandler reference does not teach or suggest, nor would it be obvious to modify Chandler to arrive at the invention now disclosed in claims 1 and 32. In fact, the Chandler reference teaches away from such a set-up. For example, the Chandler reference is specifically designed as an old-fashioned double sided razor, and not as a bi-directional razor that can be used to shave in a “back and forth” manner. In fact, the Chandler reference notes, on page 2, left column, lines 38-43: “[i]f it is desired to apply the cream without the shaving action, as would be desirable if the face has not been just washed, it can be done by stroking the razor over the bearded surface in the opposite direction from the shaving stroke.” Therefore, if the Chandler reference were to be modified

such that the first cartridge and the second cartridge shave in substantially the same plane, but in opposite directions (i.e., bi-directionally), this noted feature would not be possible.

5. Claim 45 is rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative 37 U.S.C. §103(a) as being unpatentable over the Chandler patent

Claim 45 depends from claim 32, and therefore also includes a first and second razor cartridge that are pivotable relative to the cartridge receiving area. As discussed above, the Chandler patent does not teach or suggest razor cartridges where both of the first and second cartridges are positioned within the cartridge receiving area such that both are pivotable relative to the cartridge receiving area and capable of shaving in substantially parallel planes, the first cartridge being operable to shave in a first direction, and the second cartridge being operable to shave in a second, generally opposite, direction. In fact, Chandler teaches away from such a structure by teaching the use of a double edged razor blade where the blades are not pivotable relative to the rest of the razor, and that shave in substantially non-parallel planes. Therefore, the Chandler patent lacks at least the above recitation of the claims of the present application. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” See MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Furthermore, as discussed above, it would not have been obvious to modify the Chandler patent to arrive at the present invention. “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” See MPEP 2143.01 (*citing In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Therefore, the present invention is not obvious in light of Chandler and favorable reconsideration of the present rejection is respectfully requested, as well.

6. Claims 4, 29, 36, 47, and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Chandler patent

Claims 4 and 29 depend from claim 1, claim 36 depends from claim 32, and claims 47 and 48 depend from claim 45. Accordingly, each of the rejected claims includes, by virtue of the recitations of claims 1, 32, and 45, respectively, include first and second cartridges that are positioned within the cartridge receiving area such that both are pivotable relative to the

cartridge receiving area and capable of shaving in substantially parallel planes, the first cartridge being operable to shave in a first direction, and the second cartridge being operable to shave in a second, generally opposite, direction.

As discussed above, the Chandler patent does not teach or suggest such claim recitations. In fact, as was also discussed above, Chandler specifically teaches away from such a structural set-up and that modifying the Chandler reference to arrive at the present invention would result in Chandler no longer operating as intended. Therefore, the Chandler patent lacks at least the above recitation of the claims of the present application, and, furthermore, it would not have been obvious to modify the Chandler patent to arrive at the present invention. Accordingly, favorable reconsideration with respect to the rejections of these claims is requested.

Summary

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

A check is enclosed covering the cost of filing the present RCE. No additional fees are believed to be due at this time. If it is determined that additional fees are required, please charge our Deposit Account No. 503342.

Respectfully submitted,

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